

By: Shapleigh

S.B. No. 1154

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to state publications maintained by the Texas State  
3 Library and Archives Commission.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 441.101(2), (3), and (4), Government  
6 Code, are amended to read as follows:

7 (2) "Depository library" means the Texas State  
8 Library, the Legislative Reference Library, the Library of  
9 Congress, the Center for Research Libraries, or any other library  
10 that the commission designates as a site for retaining and allowing  
11 public access to state publications [~~depository library~~].

12 (3) "State agency" means an executive, legislative, or  
13 judicial [~~a~~] state office, officer, department, division, bureau,  
14 board, commission, [~~legislative~~] committee, authority,  
15 institution, substate planning bureau, university system,  
16 institution of higher education as defined by Section 61.003,  
17 Education Code, or a subdivision of one of those entities.

18 (4) "State publication":

19 (A) means information in any format, including  
20 materials in print or in an electronic format, that:

21 (i) is produced by the authority of or at  
22 the total or partial expense of a state agency or is required to be  
23 distributed under law by the agency; and

24 (ii) is publicly distributed outside the

1 agency by or for the agency; and

2 (B) does not include information the  
3 distribution of which is limited to:

4 (i) contractors with or grantees of the  
5 agency;

6 (ii) persons within the agency or within  
7 other government agencies; or

8 (iii) members of the public under a request  
9 made under the open records law, Chapter 552.

10 SECTION 2. Section 441.102(c), Government Code, is amended  
11 to read as follows:

12 (c) The commission shall establish and maintain a system,  
13 named the "Texas Records and Information Locator," or "TRAIL," to  
14 allow electronic access, including access through the Internet, at  
15 the Texas State Library and other depository libraries to state  
16 publications in an electronic format that have been made available  
17 to the public by or on behalf of a state agency.

18 SECTION 3. Section 441.103, Government Code, is amended by  
19 amending Subsections (a) and (b) and adding Subsections (f), (g),  
20 and (h) to read as follows:

21 (a) A state agency shall designate one or more staff persons  
22 as agency publications liaisons [~~contact persons~~] and shall notify  
23 the Texas State Library of those persons' identities. A  
24 publications liaison [~~contact person~~] shall maintain a record of  
25 the agency's state publications and shall furnish to the Texas  
26 State Library a list of the agency's new state publications as they  
27 become available.

1 (b) A state agency shall furnish copies of its printed state  
2 publications to the Texas State Library in the number specified by  
3 commission rules. On the printing of or awarding of a contract for  
4 the printing of a publication, a state agency shall arrange for the  
5 required number of copies to be deposited with the Texas State  
6 Library. The commission may not require more than 75 copies of a  
7 printed state publication.

8 (f) A state agency shall make its printed state publications  
9 accessible from the state agency's website in an electronic format.  
10 If the state agency does not have a website, the agency shall  
11 deposit the electronic source file for each printed state  
12 publication in the manner prescribed by commission rules.

13 (g) A state agency shall include, for any state publication  
14 in electronic format, regardless of its availability through the  
15 Internet, identifying and descriptive information about the state  
16 publication as specified by commission and Department of  
17 Information Resources rules.

18 (h) If an electronic state publication is not printed or  
19 available from the state agency's website, the state agency shall  
20 furnish the Texas State Library copies in a manner prescribed by  
21 commission rules. The commission may not require more than 75  
22 copies of the publication.

23 SECTION 4. Section 441.104, Government Code, is amended to  
24 read as follows:

25 Sec. 441.104. DUTIES OF TEXAS STATE LIBRARY. The Texas  
26 State Library shall:

27 (1) acquire, organize, ~~and~~ retain, and provide

1 access to state publications;

2 (2) collect state publications and distribute them to  
3 depository libraries;

4 (3) establish a [~~microform~~] program for the  
5 preservation and management of state publications and make  
6 available state publications in alternative formats [~~microform~~] to  
7 depository libraries and other libraries at a reasonable cost;

8 (4) periodically issue a list of all state  
9 publications that it has received in print or storage media to all  
10 depository libraries and other libraries on request;

11 (5) catalog, classify, and index all state  
12 publications that it receives and distribute the cataloging,  
13 classification, and indexing information to depository libraries  
14 and to other libraries on request;

15 (6) ensure that state publications are fully  
16 represented in regional and national automated library networks;

17 (7) index all state publications that are available on  
18 the Internet [~~in an electronic format~~] and make the index available  
19 on the Internet [~~in an electronic format~~]; and

20 (8) [~~provide on-line access to state publications that~~  
21 ~~can be accessed on-line, and~~

22 [~~9~~] provide other depository libraries appropriate  
23 access, at no charge, to state publications available in an  
24 electronic format.

25 SECTION 5. Section 441.106, Government Code, is amended to  
26 read as follows:

27 Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS.

1 If a state agency's printing is done by contract, an account for the  
2 printing may not be approved and a warrant may not be issued unless  
3 the agency first furnishes to the Texas Building and Procurement  
4 [~~State Purchasing and General Services~~] Commission a receipt from  
5 the state librarian for the publication or a written waiver from the  
6 state librarian exempting the publication from this subchapter.

7 SECTION 6. This Act takes effect September 1, 2003.